

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office on the date shown below:

April 28, 2008

David R. Saliwanchik  
David R. Saliwanchik, Patent Attorney

ELECTION UNDER 35 USC § 121  
Examining Group 1646  
Patent Application  
Docket No. SPO-124

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Zachary C. Howard  
Art Unit : 1646  
Applicants : Tadao Saito *et al.*  
Serial No. : 10/561,022  
Filed : December 16, 2005  
Conf. No. : 5950  
For : Use of Toll-Like Receptor-Expressing Cells

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

ELECTION UNDER 35 USC §121

Sir:

In response to the written restriction requirement dated April 2, 2008, the applicants hereby elect to prosecute the Group I claims, *i.e.* claims 1-7 and 12-15, drawn to a method of assessing whether a test sample activates the intestinal tract immune system, comprising contacting a test sample with a cell expressing an intestinal tract tissue-expressed Toll-like receptor (TRL) and measuring signal transduction activity of said receptor.